

40. (New) The method of claim 39, wherein the label is selected from the group consisting of a radiolabel, a fluorescent label and a detectable enzyme.

41. (New) The method of claim 38, wherein the binding agent is an antibody that specifically binds to a polypeptide encoded by a gene at least 90% identical to SEQ ID NO:1.

42. (New) The method of claim 32, wherein said expression is measured using a labeled nucleic acid probe.

43. (New) The method of claim 32, wherein said expression is measured utilizing a biochip.

44. (New) The method of claim 32, wherein said gene is SEQ ID NO:1.

REMARKS

In response to the Office action mailed February 11, 2003, Applicants elect with traverse the group comprising claim 7, drawn to methods for diagnosing colorectal cancer.

Where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions (MPEP §803.01). In establishing that an "undue burden" exists for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. To show undue burden resulting from searching difficulties, the Examiner must show that the restricted groups have a separate classification, acquired a separate status in the art, or that searching would require different fields of search

(MPEP §808.02). Applicants respectfully submit that the inventions of the present application can readily be searched without undue burden because a search for one of the groups will identify art pertaining to the other.

In order to claim the subject matter of the invention more specifically, claim 7 has been canceled and claims 32-44 have been added. Claims 32-44 are drawn to methods of diagnosing colorectal cancer. No new matter is added. The newly added claims find support in the originally filed claims and in the specification.

Claim 32 finds support in original claim 7, and in the specification on page 11, lines 11-26, page 14, lines 21-34, and page 15, lines 1-6.

Support for claim 33 is found on page 7, lines 16-17, and page 11, lines 11-15.

Support for claim 37 is found on page 14, lines 11-13 and page 41, lines 15-21.

Support for claim 38 is found on page 50, lines 25-26.

Support for claim 39 is found on page 50, lines 33-34.

Support for claim 40 is found on page 51, lines 5-12.

Support for claim 41 is found on page 40, lines 11-13 and page 50, lines 25-26.

Support for claim 42 is found on page 39, lines 29-30 and page 40, lines 8-10.

Support for claim 43 is found on page 8, lines 21-26.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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